

evidence in the light most favorable to the government, assuming its credibility, and drawing all favorable inferences from it, and will sustain the jury's verdict if any rational trier of fact could have found the essential elements of the crime charged beyond a reasonable doubt." United States v. Penniegraft, 641 F.3d 566, 571 (4th Cir. 2011). "If there is substantial evidence to support the verdict, after viewing all of the evidence and the inferences therefrom in the light most favorable to the Government," the Rule 29 motion must be denied. United States v. Murphy, 35 F.3d 143, 148 (4th Cir. 1994) cert. denied, 513 U.S. 1135 (1985). "Substantial evidence" is defined as "evidence that a reasonable finder of fact could accept as adequate and sufficient to support a conclusion of a defendant's guilty beyond a reasonable doubt." United States v. Burgos, 94 F.3d 849, 862 (4th Cir. 1996) (en banc); United States v. Alerre, 430 F.3d 681, 693 (4th Cir. 2005). In evaluating the evidence, the court "cannot make [its] own credibility determinations but must assume that the jury resolved all contradictions in testimony in favor of the Government." United States v. United Med. & Surgical Supply Corp., 989 F.2d 1390, 1402 (4th Cir. 1993); United States v. Wilson, 118 F.3d 228, 234 (4th Cir. 1997) (holding that credibility determinations are reserved for the jury, and if different interpretations exist, the jury decides which to believe). Finally, evidence is reviewed "in its totality, not in isolation, and the government need not negate every possible theory of innocence." United States v. Cote, 544 F.3d 88, 98 (2d Cir. 2008).

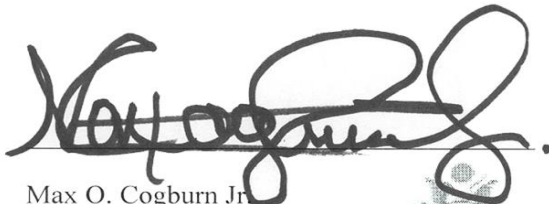
Here, the court find that, after reviewing the evidence and inferences in the light most favorable to the government, the evidence was substantial and sufficient for a rational finder of fact to find the elements of the crimes beyond a reasonable doubt. Facebook records involving defendant discuss killing for the gang, obstruction of justice, drug distribution, and robberies. Written documents, including a letter written by defendant, indicate when defendant joined the

gang the murder of Kwamne Clyburn was his initiation. Testimony from witnesses and coconspirators, as well as video evidence, support the verdict on all counts, from the murder of Kwamne Clyburn to the robbery of the Mattress Warehouse. Having thus considered defendant's motion and reviewed the pleadings, the court enters the following Order.

ORDER

IT IS, THEREFORE, ORDERED that defendant's Motion for Judgment of Acquittal (#745) is **DENIED**.

Signed: November 27, 2017



Max O. Cogburn Jr.
United States District Judge